

Notice of Allowability

Application No.

09/695,955

Examiner

LaShonda T. Jacobs

Applicant(s)

BILLINGSLEY ET AL.

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed on May 11, 2005.
2. ☒ The allowed claim(s) is/are 1-10, 21-30, 32-35, 43-52 and 54-57.
3. ☒ The drawings filed on 23 April 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). -

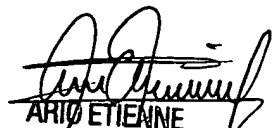
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


ARIQ ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Roberto Devoto Reg. No. 55,108 on August 9, 2005.

IN THE CLAIMS

Please cancel claims 53 and 58 without prejudice or disclaimer.

Please amend claims 49 and 54 as follows:

49. (Currently Amended) A screening and survey selection system, comprising:

- a master screener configured to filter a subset of surveys from among a set of surveys based on criteria related to a respondent;
- a survey queue having a plurality of queue slots, each of said queue slots including a survey from said subset of surveys ~~that includes the subset of surveys;~~ and
- a weighted random generator adapted to select one of said surveys in said subset of surveys at random by generating a number that corresponds to selected one of said plurality of queue slots and that is dependent upon at least one characteristic associated with said respondent. ~~enable selection of one of the surveys in the subset of surveys at random.~~

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53. (Canceled)

54. (Currently Amended) A computer system for effecting a screening and survey selection system over a computer network, comprising:

- a database coupled to the computer network and including a survey queue having a plurality of slots, each of said queue slots including a survey set of surveys available for a respondent; and
- a sever associated with the database, including:
 - a master screener configured to identify a subset of surveys from among a ~~the~~ set of surveys based on criteria related to the respondent; and
- a weighted random number generator configured to select one of said surveys in said subset of surveys at random by generating a number that corresponds to selected one of said plurality of queue slots and that is dependent upon at least one characteristic associated with said respondent. ~~enable selection of one of the surveys in the subset of surveys at random.~~

58. (Canceled)

Reasons for Allowance

2. The following is an examiner's statement for reasons of allowance: the closet prior art of record (Hamlin et al., U.S. Pat. No. 2004,0193479) and Frerichs et al (U.S. Pat. No. 6,684,249) does not teach or suggest a weighted random number generator adapted to generate a number that corresponds to a selected one said plurality of queue slots and that is dependent upon at least one characteristic associated with said respondent in combination with all the elements of the independent claims as argued by the Applicants.

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So, as indicated by the above statement, Applicants' argument has been persuasive, in light of the claim limitations as well as the enabling portion of the specification.

3. The dependent claims further limit the independent claims and are considered allowable on the same basis as the independent claims.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "comments on Statements of Reasons for Allowance."

4. Claims 1-10, 21-30, 32-35, 43-52, 54-57.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
August 9, 2005


ARID ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100